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Ans

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/490,114 | 01/24/2000 | Hidehiro Ishii | P7156-9068 | 6741 |

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EXAMINER

CHEVALIER, ROBERT

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2615

DATE MAILED: 07/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,114

Applicant(s)

ISHII ET AL.

Examiner

Bob Chevalier

Art Unit

2615

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 7, 12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-11, and 13-16, are rejected under 35 U.S.C. 102(b) as being anticipated by the submitted prior art of Okada et al (EP 0847196).

Okada et al discloses a video/audio recording/reproducing apparatus that shows all the limitations recited in claims 1, 3, 8, and 13, including the feature of the first and second recording areas for recording information and management information respectively (See Okada et al's column 23, line 42, to page 24, line 34), the feature of recording bit rate in the second recording area as specified in the present claims 1, 3, 8, and 13. (See Okada et al's page 24, lines 53-58, and column 51, lines 27-33).

With regard to claims 2, 4, 9, and 14, the feature of the recording information includes at least a video and an audio data and the bit rate being the bit rate of the audio data as specified thereof is present in Okada et al's. (See Okada et al's page 51, line 33).

With regard to claims 5, 10, and 15, the feature of the first and second recording areas for recording information and management information respectively and the feature of recording bit rate in the second recording area as specified thereof is present in Okada. (See Okada et al's column 23, line 42, to page 24, line 34, and Okada et al's page 24, lines 53-58, and column 51, lines 27-33).

With regard to claims 6, 11, and 16, the reproduction feature recited thereof is present in Okada et al. (See Okada et al's Figures 26, and 35).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-6, 8, 10-11, 13, and 15-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al.

Arai et al discloses an image recording/reproducing apparatus that shows all the limitations recited in claims 1, 3, 8, and 13, including the feature of the first and second recording areas for recording information and management information respectively (See Arai et al's Figure 3, components card control area, and data storage area), the feature of recording bit rate in the second recording area as specified in the present claims 1, 3, 8, and 13. (See Arai et al's claim 9).

With regard to claims 5, 10, and 15, the feature of the first and second recording areas for recording information and management information respectively and the feature of recording bit rate in the second recording area as specified thereof is present in Arai et al. (See Arai et al's Figure 3, components card control area, and data storage area and see Arai et al's claim 9).

With regard to claims 6, 11, and 16, the reproduction feature recited thereof is present in Arai et al. (See Arai et al's Figure 3).

4. Claims 7, 12, and 17, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maruyama et al discloses a video/audio recording/reproducing apparatus.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


ROBERT CHEVALIER
PRIMARY EXAMINER

B. Chevalier
July 26, 2003